



In the Matter of:

**OFFICE OF FEDERAL CONTRACT  
COMPLIANCE PROGRAMS, UNITED  
STATES DEPARTMENT OF LABOR,**

**ARB CASE NO. 01-008**

**ALJ CASE NO. 90-OFC-10**

**PLAINTIFF,**

**DATE: December 21, 2000**

**v.**

**BURLINGTON INDUSTRIES, INC.,**

**DEFENDANT.**

**BEFORE: THE ADMINISTRATIVE REVIEW BOARD**

**Appearances:**

*For the Plaintiff:*

Debra A. Millenson, Esq., Gary M. Buff, Esq., Henry L. Solano, Esq., *U.S. Department of Labor, Washington, DC*

*For the Defendant:*

William P. H. Cary, Esq., *Brooks, Pierce, McLendon, Humphrey & Leonard, Greensboro, North Carolina*

**ORDER DISMISSING COMPLAINT**

This case arose when the U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP) filed a complaint against Burlington Industries alleging that Burlington had violated Executive Order 11246. A Department of Labor Administrative Law Judge issued a recommended decision and order from which both parties filed exceptions with the Administrative Review Board pursuant to 41 C.F.R. §60-30.28. Subsequent to a recent Board order granting OFCCP's request for supplemental briefing, the parties have filed a Joint Motion to Dismiss.

In support of the Motion to Dismiss the parties assert:

Since the date of the Board's Order, the parties have exchanged information concerning the matters at issue in the case and current hiring practices at the Pioneer I plant. As a result of those discussions, the parties have concluded that justice would best be served by dismissing this action. By this motion, each of the parties therefore withdraws the exceptions that it has filed in this matter and respectfully respects [sic] that the underlying action be dismissed.

Joint Motion to Dismiss at 2. Accordingly, we **GRANT** the parties' joint motion and **DISMISS** this case.

**SO ORDERED.**

**PAUL GREENBERG**

Chair

**CYNTHIA L. ATTWOOD**

Member

**RICHARD A. BEVERLY**

Alternate Member